

DECISION NOTICE

BUFFALO COULEE CONSERVATION EASEMENT

Montana Fish, Wildlife & Parks
Region 6 - Glasgow
July 11, 2014

PROPOSAL

Montana Fish, Wildlife & Parks (FWP) is proposing to purchase a perpetual conservation easement on 2,825 acres owned by Potter Brothers Farms in Valley County. The property, referred to as Buffalo Coulee, consists of three separate parcels located within 15 miles of one another, northwest of Glasgow. The cost to FWP to acquire the conservation easement will be \$450,000, the figure determined by an independent appraisal to be the fair market value. Funds will be provided by FWP's Habitat Montana program.

The Buffalo Coulee Conservation Easement is proposed to protect, enhance and preserve the integrity of native riparian and upland habitats associated with the Milk River Valley for present and future generations, while preserving traditional agricultural use and ownership. The Milk River riparian corridor is critical to maintaining stable wildlife populations, primarily because of the high quality year-round habitat. The terms of the easement are directed at conserving the primary habitats represented on the property, including riparian corridors, sagebrush and shrub grasslands, and plains grasslands. Critical winter range for migrating antelope, and habitat that serves as a migratory linkage for sage grouse, will be protected and enhanced. The easement also assures that free public hunting will continue to be the tool used to manage game populations and provide recreation to sportsmen and women.

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) REVIEW

The Montana Environmental Policy Act (MEPA) directs State agencies to assess the impacts of their proposed actions on the human and natural environment. Consistent with this MEPA requirement, FWP described the Buffalo Coulee Conservation Easement proposal and analyzed its potential impacts in an Environmental Assessment (EA) released to the public on October 17, 2012. The EA was open to public comment through November 9, 2012. During this period, a public hearing was held at the Valley County Courthouse in Glasgow on November 7, 2012.

SUMMARY OF PUBLIC COMMENTS

Nine people attended the public hearing on November 7, 2012. Only one person gave formal comment at the hearing, and this comment was neither in favor or opposition to

the conservation easement, but referenced language in the easement concerning the introduction of wildlife. FWP reviewed that comment, and determined that the proposed language is appropriate and consistent with previous conservation easements.

In addition, sixteen written comments were received, fifteen of which were in favor of FWP acquiring the conservation easement. One written comment did not indicate opposition or support, but requested that the citizens of Montana be allowed to vote before a decision was made. There were no comments opposed to this project.

FWP EVALUATION


Based on the project's merits and the large majority of support given during the public process, FWP was prepared to issue a decision notice recommending approval of the project by the Montana Fish and Wildlife Commission in late 2012. However, due to a temporary funding shortage, the Buffalo Coulee project was put on hold and was not forwarded to the Commission for consideration at that time.

By October 2013, the funding situation had been resolved and the Buffalo Coulee project was again reviewed by FWP's Wildlife Division through its statewide ranking process for habitat conservation projects. At that time, the project was given approval to continue.

DECISION

For more than 30 years, Montana Fish, Wildlife & Parks has effectively utilized conservation easements to protect wildlife habitat from development, subdivision and human encroachment; to provide public recreational opportunities; and to work cooperatively with private landowners to maintain compatible agricultural land uses. Approximately 75 % of the Milk River Valley and associated riparian and shrub grassland habitats have been developed for agriculture and livestock production purposes. The proposed Buffalo Coulee Conservation Easement will ensure that important native habitats in the Milk River Valley will be protected and enhanced, while keeping the land in agricultural production and providing public hunting and other recreational opportunities. The conservation easement will achieve these important conservation goals while having no identified adverse impacts to the natural or human environment.

After reviewing the merits of this proposal and the strong public support, it is my decision that Montana Fish, Wildlife & Parks move forward to purchase the Buffalo Coulee Conservation Easement. This decision is made subject to the approval of the Montana Fish and Wildlife Commission and the Montana Board of Land Commissioners.

 July 11 2014
Tom Flowers, Region 6 Supervisor

Smith, Kathy

From: Michael bryson [mb4531@hotmail.com]
Sent: Thursday, November 01, 2012 6:05 AM
To: Smith, Kathy
Subject: FWP Easements

This is to inform you that I support the proposals that include the 1050 acres at Spring Coulee 13 mile SW of Big Sandy. The area consisting of 2992 acres on the Milk river that is 42 miles NW of Havre. And also the 2825 acres owned by the Potter Brothers located 2 miles SW of Vandalia, 4 miles NW of Glasgow and the area east of Tampico on the Milk River.
Michael B. Bryson

Smith, Kathy

From: janet cortese [rjcortese@bresnan.net]
Sent: Friday, November 02, 2012 9:31 AM
To: Smith, Kathy

I am in favor of the three easements the FW&P is looking at. Along the missouri river, the Milk river north of Havre and by Vandalia. Thank you, Ron Cortese

Smith, Kathy

From: knowlesmontana@juno.com
Sent: Friday, November 02, 2012 9:08 AM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

Any property that can be secured for public use, especially if that land provides access to rivers, lakes, streams or other bodies of water, is a precious commodity that should be secured.

This e-mail was generated from the 'Buffalo Coulee Conservation Easement EA - Draft' Public Notice Web Page.

Smith, Kathy

From: jdaugherty@windturbinetools.com
Sent: Tuesday, November 06, 2012 10:37 AM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

I fully support this effort and think it would be a great accomplishment to have the easement put in place. It would be a win-win for all concerned.

This e-mail was generated from the "Buffalo Coulee Conservation Easement EA - Draft" Public Notice Web Page

Smith, Kathy

From: tdh_3131@yahoo.com
Sent: Tuesday, November 06, 2012 2:43 PM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

I think permanent easements are a great thing.
However, after spending some time on the Beckman WMA, east of Denton, MT, it looks like the area was way too much grazing by cattle on the property.
You can hardly find any deer and almost impossible to find elk,
Which has not always been the case.
We have been there a total of 8 hunter days with a total of 7 mule deer spotted, no whitetail or elk.
Grazing is an issue that should be looked at very closely
Thank you
Tim Hartford

This e-mail was generated from the 'Buffalo Coulee Conservation Easement EA - Draft' Public Notice Web Page.

Smith, Kathy

From: Hemmer, Scott
Sent: Thursday, November 01, 2012 8:39 AM
To: Smith, Kathy
Subject: FW: Approval of these "fwp-Region 6, issues"...

Kathy-

Here was a comment that included the Buffalo Coulee land project

Scott Hemmer

From: John Waldron [<mailto:john.waldron@mygait.com>]
Sent: Wednesday, October 31, 2012 8:13 AM
To: Hemmer, Scott
Subject: Approval of these "fwp-Region 6, issues"...

I "recommend passage of these "issues=FWP-Region 6-"Spring Coulee Acquisition, Big Sandy, Buffalo Coulee, (Conservation Easment,Glasgow), Milk River Ranch Proposal, (Havre); Ft. Peck-Fisheries Mgmt. Plan."

undefined

Smith, Kathy

From: Ernie Lundberg [erlundberg@linctel.net]
Sent: Monday, November 05, 2012 5:05 PM
To: Smith, Kathy
Subject: Buffalo Coulee Project Conservation Easement

I have hunted several years along the Milk River and have found a variety of wildlife present. The purchase of this easement would be a benefit to the public and wildlife.

Smith, Kathy

From: mplagenz@fs.fed.us
Sent: Wednesday, October 31, 2012 9:37 AM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

Preserves habitat and enhances public access. Sounds like a great investment for our future wildlife and Sportamen/woman. Thank you.

This e-mail was generated from the 'Buffalo Coulee Conservation Easement EA - Draft' Public Notice Web Page.

Smith, Kathy

From: vinceluparell@hotmail.com
Sent: Tuesday, October 30, 2012 4:37 PM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

I think this would be a great easement. The diversity of the game is great. I am all for pursuing this easement. Thanks for your hard work.

This e-mail was generated from the "Buffalo Coulee Conservation Easement EA - Draft" Public Notice Web Page.

Smith, Kathy

From: Johnson, Donald [Donald.Johnson@northwestern.com]
Sent: Tuesday, October 30, 2012 4:44 PM
To: Smith, Kathy

Kathy,

I encourage the purchase of a conservation easement for the Buffalo Coulee property .
I live in Great Falls, but I have always enjoyed hiking in this part of valley county.

I wish I could comment on the Big Sandy and Havre property , but I "m in support for all three easements.

Smith, Kathy

From: mtduckhunter@gmail.com
Sent: Tuesday, October 30, 2012 3:10 PM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

I fully support the conservation easement on Buffalo Coulee.

Steve Christian

This e-mail was generated from the 'Buffalo Coulee Conservation Easement EA - Draft' Public Notice Web Page.

Smith, Kathy

From: Steve & Annette Schindler [sas@nemont.net]
Sent: Friday, October 26, 2012 5:52 PM
To: Smith, Kathy
Subject: Support for Buffalo Coulee

Please accept this as my support for the purchase of a conservation easement for the Buffalo Coulee area south of Vandalia.

Steve Schindler
Glasgow, Mt.

Smith, Kathy

From: katsmith@mt.gov
Sent: Saturday, October 27, 2012 7:02 AM
To: Smith, Kathy
Subject: Public Comment: Buffalo Coulee Conservation Easement EA - Draft

Please accept this message as my support for the proposed Buffalo Coulee Conservation Easement. I've spent many years hunting on this property and believe it would be a very valuable easement. Thanks, Richard Traeger 735 10th St. Glasgow, Mt.

This e-mail was generated from the 'Buffalo Coulee Conservation Easement EA - Draft' Public Notice Web Page.

**Buffalo Coulee Conservation Easement Proposal - Public Scoping
Process**

COMMENT FORM

**Comments must be postmarked no later than November 9, 2012*

Name Harold J. Wentland
Address (Street/ P.O. Box) 437 6th Ave. North
Town, State ZIP Glasgow, MT 59230
Phone 406-238-2227 Email address _____
Affiliation Retired

Please submit your comments, questions, and relevant ~~bison~~ related issues in the following space. Attach additional information to this form if you wish. Thank you for your interest in this project.

I support the Buffalo Coulee Conservation Easement.
The Easement will preserve and enhance Milk River
bottom and upland wildlife habitats. I suggest the
easement documents also guarantee perpetual
access for hunting, fishing and other recreational
pursuits by Montana citizens.

Upland and river bottom habitats seem to be under
increasing stress from intensive grazing, farming
and out-of-state recreational buyers. In most
cases the non-resident owners exclude
access to the Montana public.

Email comments to: dhenry@mt.gov

Harold J. Wentland



MONTANA AUDUBON

P.O. Box 595 • Helena, MT 59624 • 406-443-3949 • www.mtaudubon.org

November 9, 2012

Mr. Patrick Gunderson
Regional Wildlife Manager
MT Fish, Wildlife & Parks
54078 US Hwy 2 West
Glasgow, MT 59230

Dear Mr. Gunderson,

Please accept the following comments on behalf of Montana Audubon on the draft Environmental Assessment to purchase a conservation easement on the Buffalo Coulee Project property.

Montana Audubon is the coordinating entity for the nine Audubon Society Chapters in Montana. Currently there are approximately 3,800 Audubon members in the state. Although our membership is diverse, there is a consistent deep concern for the continuing loss of vital wildlife habitat in the state. Protection and enhancement of Montana's wildlife habitat is the mission of Montana Audubon. You may receive comments from other members of the Society.

We support the preferred 'Proposed Action' alternative chosen by Montana Fish, Wildlife & Parks that allow purchase of the conservation easement.

Our main reasons for supporting this conservation easement include:

- **Protecting wetlands and riparian areas.** This easement will help protect 15 miles of riparian habitat along the Milk River, which provides critical habitat for numerous species of birds and other wildlife, including habitat for species of conservation concern. Wetland and riparian habitat is critical in this state. In fact:
 - Over *one third* (196 species) of our state's terrestrial wildlife species—mammals, birds, reptiles, and amphibians—are considered “riparian/wetland obligates,” which means they depend upon these areas for some part of their life cycle (MCFWCS 2005);
 - Almost *half* (265 species) of Montana's terrestrial wildlife species are known to use or frequent wetland or riparian habitats (MCFWCS 2005); and
 - *All* of Montana's 85 fish species depend on water bodies, especially rivers, streams, and lakes (Holton and Johnson 2003).
- **Protecting grasslands and sagebrush habitats.** Important grassland and sagebrush habitats provide habitat for species of conservation concern such as the Baird's Sparrow, Brewer's Sparrow, and Mountain Plover. This area may also contain important habitat for Sprague's Pipit and Greater Sage-grouse, which are both Candidate species under the federal Endangered Species Act. Protection for these two areas is critical because:
 - Native grasslands and native shrub habitats are important to protect from new development because many of the wildlife species associated with these habitats occupy large territorial ranges, are vulnerable to human disturbances, and disappear from the landscape if habitat patches become too small or fragmented. In fact, approximately 21 percent of the mammals, birds, reptiles, and amphibians associated with these two habitat types are considered Species of Concern in the State of Montana (MT Field Guide 2012).

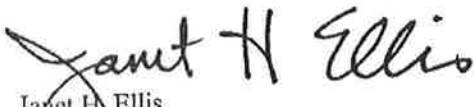
- These habitats are difficult—if not impossible—to restore once native vegetation has been removed. Consequently, it is important to prevent important native grassland and sagebrush habitats from being cultivated.
- **Protecting habitat for many game species.** This area provides important habitat for elk, white-tailed deer, mule deer, pronghorn antelope, as well as several upland game birds.

As one final comment, we noticed that the Management Plan's Objective 3 calls for "maintaining healthy wildlife populations within the available habitats." Curiously, virtually all the strategies for this objective are oriented towards game animals. Please consider adding several strategies that are not oriented towards game animals, such as the following:

- Maintain grassland and shrubland bird populations, especially Species of Concern.
- Maintain riparian vegetation to include key plant communities, including native overstory and understory species.

Thank you for the opportunity to comment on this project. Montana Audubon believes that this is an important project. We strongly urge FWP to complete the 'Proposed Action' alternative.

Sincerely,


Janet H. Ellis
Program Director

Smith, Kathy

From: Sullivan, Mark
Sent: Monday, November 05, 2012 6:55 AM
To: BENF@NEMONT.NET
Subject: FW: Buffalo Coulee

Hi Ben,

Montana Fish Wildlife and Parks has been directed by the Legislature to pursue lands projects, like Buffalo Coulee. The 1987 Montana Legislature saw the introduction of HB 526, which would be funded by fees from hunting licenses. The debate in the legislature was between those who did not want the Department buying land and those who saw habitat as the foundation for the future. The compromise by the legislature was authority given to the Department to acquire interests in land, with the legislature directing the agency to attempt conservation easements or lease before fee title purchase. Fee title purchase was still allowed because the legislature understood the seller of land would determine which method was in his best interests. HB 526 became reality and approximately 92% of revenue for this program comes from nonresident hunting licenses.

Please note that the Buffalo Coulee project is not a purchase, but would be a conservation easement so it would stay a working ranch, but would have managed grazing to improve range conditions and would be open for hunting in perpetuity. Also the landowner would continue to pay taxes on this land.

Mark Sullivan
Wildlife Program Manager
Montana Fish, Wildlife & Parks

From: Ben [<mailto:benf@nemont.net>]
Sent: Thursday, November 01, 2012 8:57 PM
To: Smith, Kathy
Subject: Buffalo Coulee

Dear Kat,

2012 has been a new beginng for montana's, nothing new, no more poisoning coyotes, no more off trail to retrieve game, people selling out to fwp for veiwing areas, areas being closed becaure of FWP, and other out of state interest that will always continue, because of MT's low persons per acre..

I Would only like to know one thing, When did MT gov give the FWP the right to start purchasing land ? WHEN DID FWP BECOME OWNER OF MT PROPERTY WITH THE MONEY FROM MONTANA FISH WILD LIFE AND PARKS, without asking voters. We're the ones that have paid for the last 50 years to 400 years, this is one of the worst things that have happened to MT residents. Please send me an email as to what FWP was formed for orginal IN FACT DOCUMENTS, , It was not for purchasing property, so the MT fishing and hunting residents would pay your property taxes thourh license and fees, to see our licensce fees' continue to go up.

IN SHORT, YOU HAVE NO RIGHT TO PURCHASE THIS PROPERTY UNTIL THE VOTERS OF MONTANA HAVE THE RIGHT TO VOTE ON THIS.

PLEASE SHOW ME WHERE THE VOTERS OF MONTANA IN IT'S GLORY, HAVE EVER GIVEN FWP THE RIGHT TO USE OUR MONEY, AND PROCEEDS FOR OUTERSTATE REVENUE TO PURCHASE LAND WITHOUT VOTER CONSENT.

PLEASE REPLY,